

**Amendments to the Drawings:**

Figure 1 has been relabeled Figure 1a and Figure 1b for the two separate drawings.

Figure 2 has been relabeled Figure 2a, Figure 2b, and Figure 2c for the three separate drawings.

Figure 3 has been amended to add reference number 17 and leader line directed to the control means.

REMARKS

The drawings were objected to because of a number of reasons noted by the Examiner. Figure 1 has now been amended to indicate the two separate figures as Figure 1a and Figure 1b. Figure 2a has been amended to indicate the three separate figures as Figure 2a, Figure 2b, and Figure 2c. Figure 3 has been amended to include reference number 17 and leader lined directed to the control means. Replacement sheets 1 of 3, 2 of 3 and 3 of 3 are attached incorporating the aforementioned changes/corrections.

The specification has been amended to incorporate the changes in the listing of the figures 1 and 2 and to add reference number 17 directed to the control means. The specification was objected to for numerous reasons as indicated by the Examiner. Spelling corrections and uniform terminology have been incorporated into the attached second substitute specification. A marked up copy of the specification shows the corrections made in the second substituted specification. No new matter has been added.

Claim 6 has been amended such that "technical properties" is replaced with "physical properties". Claim 6 is supported in paragraph [0018].

Claims 5, 8, 13, 17, 19, and 20 were rejected under 35 USC 112, first paragraph as failing to comply with the enablement requirement. The rejection of these claims under 35 USC 112, first paragraph is traversed. The Examiner states that these claims recite structure in the form of "at least one of a, b and c". The Examiner states that there is no description of the specification of using these features in combination with each other.

Claims 5 and 17 are supported in paragraph [0016] of the specification as shown in the attached Second Substituted Specification. Paragraph [0016] specifically states that the code value carrier means contains means for optical and/or electrical and/or magnetic and/or mechanical code value storage. This paragraph illustrates that any combination of optical, electrical, magnetic, mechanical code value storage is available for the code values carrier means.

Claim 8 is supported in paragraph [0019]. Paragraph [0019] indicates that the housing of the measuring chamber has prominences and/or depressions. Therefore one or both of these features (prominences, depressions) can be provided.

Claim 13 is supported in paragraph [0027] in which it is stated that the measuring chamber has locking means for holding the housing by friction fitting and/or formed fitting after it fixed on fluid pump. This sentence indicates that any combination of the friction fitting and form fitting is available.

Claim 19 is supported in paragraphs [0018] and [0019].

Claim 20 is not in an alternative format. The applicant believes that the Examiner meant to discuss claim 21 and therefore claim 21 is now being addressed. Claim 21 is amended requiring predetermined physical properties selected from the group consisting of or relating to the measuring chamber, the manufacturer, and the intended mode of operation of the pump and any combination thereof. Claim 21 is supported in paragraph [0018].

Claims 5, 8, 13, 17, 19 and 21 have been rewritten in Markush-type format. According to MPEP 803.02, following an election, a Markush-type claim should be examined fully with respect to the elected species and further to the extent necessary to determine patentability. If the Markush-type claim is not allowable over the prior art, the provisional election will be given effect and examination will be limited to the Markush-type claim and claims to the elected species, with claims drawn to species patentably distinct from the elected species held withdrawn from further consideration. Therefore, a Markush-type claim is permitted for examination.

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that "a transport channel conveyed via drive" is not understood. Claim 1 has been amended to require "a transport channel conveyed via a drive". This phrase has the meaning that the transport channel, which transports the fluid to be pumped, and the drive, for example a rotor, of the pump are arranged in such a way, that the drive is able to pump the fluid being transported in the transport channel. Therefore "conveyed over" has a geometrical meaning. If the drive of the pump would not be in contact with transport channel, no pumping effect could be generated.

Furthermore, parts of the transport channel are described in the description and shown in the figures, for example, pump segment 5, tube connector 6 and flow channel 7. See also paragraphs [0062] and [0051].

The "transport properties" (of a pump) mentioned in claims 1 and 4 are flow rate and pump pressure (the pressure which could be generated by the pump), as known by a person skilled in the art.

In respect to the feature "read-out means are provided for registering ... to the pump housing" we understand that read out means provided, which register the code value during i.e. when mounting the measuring chamber and/or after having fixed the measuring

chamber to the pump housing. We think it is clear that one condition for registering or reading the code value is that the measuring chamber is mounted.

Further conditions (e.g. after a time period or in a manual way) may be chosen by the skilled person using the general technical knowledge.


Claim 18 and 19 have been amended to provide antecedent basis and to change the term "technical properties" to "physical properties".

This amendment should place this case in condition for passing to issue. Such action is requested.

If the Examiner feels that prosecution of the present application can be expedited by way of an Examiner's Amendment, the Examiner is invited to contact the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

YOUNG & BASILE, P.C.



Darlene P. Condra  
Attorney for Applicant  
Registration No. 37,113  
(248) 649-3333

YOUNG & BASILE, P.C.  
3001 W. Big Beaver Rd.  
Suite 624  
Troy, Michigan 48084-3107  
DPC/caw